

**United States District Court
for the Southern District of Texas
Houston Division**

United States of America

v.

Wilmar Rene Duran Gomez

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Criminal No. H-10-459

[Capital Case]

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**JOINT STATUS REPORT AND MOTION TO CONTINUE MOTIONS HEARING
SCHEDULED FOR JANUARY 31, 2022 AND OTHER SCHEDULED
DEADLINES THROUGH JANUARY 2021**

The parties, through undersigned counsel, submit this Joint Status Report and Motion to continue the Motions Hearing currently scheduled for January 31, 2022, at 9:00 am and to re-set it for a date in February, 2022. The parties also request that the Court suspend all filing deadlines (including responses to motions already filed) through the end of January, 2021. In support of this Motion, the parties submit as follows:

1. On August 10, 2021, this Court entered the current scheduling order. ECF No. 666. Under that scheduling order, a motions hearing was scheduled for September 27, 2021, which was then continued, at the request of the parties, until October 26, 2021.

2. On October 15, the parties filed a joint motion to continue various dates because defense counsel were preparing a request for consideration by the Department of Justice that it deauthorize this capital prosecution and withdraw the notice of intent to seek the death penalty. ECF No. 697. The motion also advised that the parties were discussing possible resolution of this case short of trial. The parties asked for the Court to temporarily suspend motions and hearings while those efforts continued, and proposed to submit a status report by December 17, 2021. The Court granted the Joint Motion. ECF No. 706.

3. Since the parties filed that motion, Mr. Duran Gomez has submitted his request that the Department of Justice deauthorize this case and withdraw the amended notice of intent to seek the death penalty. Pursuant to the procedures in the Justice Manual for the United States Department of Justice, defense counsel have submitted their deauthorization request to the United States Attorney's Office for the Southern District of Texas, who will then submit it to the Department of Justice according to the procedures in the Justice Manual.

4. The parties continue to work on discovery issues and will continue to explore whether they can resolve the case short of trial

5. The parties therefore request that the hearing scheduled for January 31, 2022, be continued to a date in February, 2022, and that all intermediate dates for hearings and filing deadlines (including responses to motions already filed) be suspended through the end of January 2022. The parties will submit another status report to the Court no later than January 18, 2022.

6. This motion is not intended for delay, but rather to allow justice to be done in this complex capital case. The requested continuance will allow time for the Department of Justice to carefully consider Mr. Duran Gomez's deauthorization request, and potentially resolve this matter without the time and expense of protracted litigation and a lengthy trial. The proposed schedule is also consistent with Mr. Duran Gomez's counsel's obligations to provide effective representation under the Sixth and Eighth Amendments.

7. All limits under the Speedy Trial Act continue to be waived by the filing of this motion.

8. Undersigned counsel have conferred with counsel for the Government, who have indicated that they join this request.

A proposed order is attached.

Respectfully submitted,

For Wilmar Rene Duran Gomez:

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